

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

10	UNITED STATES OF AMERICA,)	
)	No. CR-06-024-EFS
11	Plaintiff,)	
)	ORDER GRANTING DEFENDANT'S
12	v.)	SECOND MOTION TO RECONSIDER
)	SETTING CONDITIONS OF
13	JUSTIN JOSEPH CERRUTI,)	RELEASE AND SETTING STATUS
)	HEARING
14	Defendant.)	
)	---- ACTION REQUIRED ----
15			-- DATE TO BE CALENDARED --

BEFORE THE COURT is Defendant's Motion to Reconsider Setting Conditions of Release (Ct. Rec. 65), noted for hearing without oral argument.

Defendant represents, through declaration from Mr. Smith, that he is fully aware of all allegations in this matter, including the allegation Defendant's mother purchased a firearm for him for protection due to a death threat. Accordingly, if Mrs. Smith also has no objections to Defendant residing in the Smith home and if the Smiths are willing to co-sign an appearance bond, Defendant may be released into electronic monitored home detention on the day of his first counseling appointment, provided the chemical dependency counseling dates are in place and confirmed by Pretrial Services.

ORDER GRANTING DEFENDANT'S MOTION TO RECONSIDER SETTING
CONDITIONS OF RELEASE AND SETTING STATUS HEARING - 1

1 **IT IS ORDERED** Defendant's Motion (Ct. Rec. 65) is **GRANTED**.
2 Defendant shall be released on the following conditions:

3 1. Defendant shall participate in intensive outpatient
4 treatment. **Prior to release, an appointment for Defendant's first**
5 **intensive outpatient treatment session must be made by Defendant and**
6 **confirmed by Pretrial Services.** The treatment program must be in
7 place and Defendant shall not be released until the day of his first
8 appointment. **If Defendant fails in any way to comply or cooperate**
9 **with the requirements of the outpatient treatment program, Pretrial**
10 **Services and the parties are directed to immediately notify the**
11 **court. Treatment shall not interfere with the Defendant's court**
12 **appearances.** Full mutual releases shall be executed to permit
13 communication between the court, Pretrial Services, and the
14 treatment vendor. If random urinalysis testing is not conducted by
15 the treatment provider, Defendant shall be subject to random
16 urinalysis testing by the United States Probation Office, not to
17 exceed six times a month.

18 2. Defendant shall reside with Mr. and Mrs. Smith. Either
19 Mr. or Mrs. Smith shall transport Defendant to all treatment
20 appointments, unless Pretrial Services permits transport by another
21 responsible individual.

22 3. **Except for 1½ hours each week for attendance at spiritual**
23 **services, court-related appearances, and outpatient treatment**
24 **appointments, the Defendant shall remain under home detention.** The
25 Defendant shall participate in a program of electronically monitored
26 home confinement. The Defendant shall wear, at all times, an
27 electronic monitoring device under the supervision of U.S.
28 Probation. In the event the Defendant does not respond to

1 electronic monitoring or cannot be found, U.S. Probation Officers
2 shall forthwith notify the United States Marshals' Service, who
3 shall immediately find, arrest and detain the Defendant. The
4 Defendant shall be responsible for all costs of electronic
5 monitoring.

6 4. Defendant shall not commit any offense in violation of
7 federal, state or local law.

8 5. Defendant shall advise the court and the United States
9 Attorney in writing before any change in address, and he must have
10 prior permission from the court to change addresses.

11 6. Defendant shall appear at all proceedings and surrender as
12 directed for service of any sentence imposed.

13 7. Defendant shall sign and complete form A.O. 199C before
14 being released and shall reside at the address furnished.

15 8. Defendant shall remain in the Eastern District of
16 Washington while the case is pending. On a showing of necessity,
17 Defendant may obtain prior written permission to leave this area
18 from the United States Probation Office.

19 9. Defendant shall not possess a firearm, destructive device
20 or other dangerous weapon.

21 10. Defendant is further advised, pursuant to 18 U.S.C. §
22 922(n), it is unlawful for any person who is under indictment for a
23 crime punishable by imprisonment for a term exceeding one year to
24 ship or transport in interstate or foreign commerce any firearm or
25 ammunition or receive any firearm or ammunition which has been
26 shipped or transported in interstate or foreign commerce.

27 11. Defendant shall refrain from the use of alcohol, and the
28 use or possession of a narcotic drug and other controlled substances

1 defined in 21 U.S.C. § 802, unless prescribed by a licensed medical
2 practitioner. **There shall be no alcohol or unlawful drugs in the**
3 **residence where Defendant is residing.**

4 12. Defendant shall report to the United States Probation
5 Office before or immediately after his release and shall report as
6 often as they direct, at such times and in such manner as they
7 direct, but at least three times a week by telephone. Defendant
8 shall contact his attorney daily by telephone.

9 13. Defendant shall post a \$15,000 appearance bond, **to be co-**
10 **signed by both Dustin and Dawn Smith.**

11 14. Mr. and Mrs. Smith shall sign a copy of this Order, to be
12 kept in Pretrial Services' file, to evidence they have read,
13 understand and agree to these conditions of release.

14 15. Defendant shall appear for a status hearing on **February 2,**
15 **2007, at 9:30 a.m.,** before the undersigned.

16 Defendant is advised a violation of any of the foregoing
17 conditions of release may result in the immediate issuance of an
18 arrest warrant, revocation of release and prosecution for contempt
19 of court, which could result in imprisonment, a fine, or both.
20 Specifically, Defendant is advised a separate offense is established
21 by the knowing failure to appear and an additional sentence may be
22 imposed for the commission of a crime while on this release. In
23 this regard, any sentence imposed for these violations is
24 consecutive to any other sentence imposed.

25 **IT IS FURTHER ORDERED** the United States Marshal shall keep
26 Defendant in custody until notified by the District Court Executive
27 or judicial officer that Defendant has posted bond and/or complied
28 with all other conditions for release. Until such time, Defendant

1 shall be produced before the appropriate judicial officer at the
2 time and place specified.

3 DATED January 22, 2007.

4
5 S/ CYNTHIA IMBROGNO
6 UNITED STATES MAGISTRATE JUDGE
7

8 READ, UNDERSTOOD AND AGREED TO:

9
10 DUSTIN SMITH Date

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12 DAWN SMITH Date
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